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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,304	09/26/2003	Young-Je Cho	8071-47 (OPP 030615 US)	4451
22150	7590	12/29/2005		EXAMINER
F. CHAU & ASSOCIATES, LLC				DUONG, TAI V
130 WOODBURY ROAD			ART UNIT	PAPER NUMBER
WOODBURY, NY 11797				2871

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,304	CHO ET AL.	
	Examiner Tai Duong	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 October 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 2,12 and 15-21 is/are withdrawn from consideration.
- 5) Claim(s) 13,14 and 22-31 is/are allowed.
- 6) Claim(s) 1 and 8-11 is/are rejected.
- 7) Claim(s) 3-7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/18/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

Claims 2, 12 and 15-21 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/25/05.

This application contains claims 2, 12 and 15-21 drawn to an invention nonelected with traverse in the reply filed on 04/25/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The rejection over Byun et al is withdrawn in view of the English translations of the certified copies of the Korean priority applications.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Murouchi (US 6,067,144).

Note Fig. 3 which identically disclose the claimed panel assembly comprising a plurality of spacers formed on the panel for supporting the panel, wherein the spacers have at least two different heights, a first spacer 4a, a second spacer 5a having a height lower than the first spacer 4a, and a third spacer 5b having a height equal to that of the second spacer 5a (col. 4, line 60 – col. 5, line 14).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murouchi in view of Satoh (US 6,870,593) of record.

The only difference between Murouchi's panel assembly and that of the instant claim is the color filters having different thicknesses. Satoh discloses in Fig. 12B the color filters having different thicknesses (23, 24, 25) for realizing originally designed color tones (col. 13, lines 13-26). Thus, it would have been obvious to a person of ordinary skill in the art in view of Satoh to employ color filters having different thicknesses in Murouchi's panel assembly for realizing originally designed color tones.

Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3 is allowed over the prior art of record because none of the prior art discloses or suggests a panel assembly comprising a plurality of column spacers formed on the panel for supporting the panel wherein the spacers comprise a plurality of first spacers and a plurality of second spacers having a height lower than the first spacers and the second spacers having a contact area wider than the first spacers.

Claims 4-7 are also allowed since they depend on allowed claim 3.

Claims 13 and 14 are allowed for the same reasons set forth in the last Office Action.

Claim 22 is allowed over the prior art of record because none of the prior art discloses or suggests a panel assembly comprising a plurality of column spacers formed on the panel for supporting the panel wherein the spacers have at least two different heights *and* at least two different lengths with the panel. Claims 23- -31 are also allowed since they depend on allowed claim 22.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al (US Pub. No. 2005/0099577) disclose a panel assembly wherein the spacers have at least two different lengths and two different contact areas with the panel. However, the effective filing date of Lee et al is *after* the foreign priority dates of the instant application.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

*Mine*  
TOANTON  
PRIMARY EXAMINER

*TD*  
TVD

12/05